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SENATE BILL 221

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Stuart Ingle

FOR THE CAPITOL BUILDINGS PLANNING COMMISSION

AN ACT

RELATING TO STATE BUILDINGS; AUTHORIZING STATE OFFICE BUILDING
TAX REVENUE BONDS FOR AN EXECUTIVE OFFICE BUILDING; INCREASING
THE AMOUNT OF A CERTAIN TAX DISTRIBUTION; EXTENDING THE
EXPENDITURE PERIOD FOR CERTAIN APPROPRIATIONS; CHANGING THE
PURPOSE OF CERTAIN APPROPRIATIONS; MAKING APPROPRIATIONS;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 6-21C-4 NMSA 1978 (being Laws 2001,
Chapter 199, Section 4, as amended) is amended to read:

"6-21C-4. NEW MEXICO FINANCE AUTHORITY SHALL ISSUE
BUILDING BONDS--APPROPRIATION OF PROCEEDS.--

A. The New Mexico finance authority is authorized
to issue and sell revenue bonds, known as "state office
building tax revenue bonds", payable solely from the state

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1 building bonding fund, in compliance with the State Building
2 Bonding Act for the purpose of acquiring state office buildings
3 and related facilities and other critical state facilities
4 within the master planning jurisdiction of the capitol
5 buildings planning commission when the acquisition has been
6 reviewed by the capitol buildings planning commission and has
7 been authorized by legislative act and the director of the
8 property control division of the general services department
9 has certified the need for the issuance of the bonds; provided
10 that the total amount of state office building tax revenue
11 bonds outstanding at any one time shall not exceed one hundred
12 fifteen million dollars (\$115,000,000).

13 B. The net proceeds from the building bonds are
14 appropriated to the property control division of the general
15 services department for the purpose of acquiring state office
16 buildings and related facilities and other critical state
17 facilities within the master planning jurisdiction of the
18 capitol buildings planning commission, the acquisition of which
19 shall be consistent with the State Building Bonding Act and the
20 authorizing legislation."

21 Section 2. Section 7-1-6.42 NMSA 1978 (being Laws 2001,
22 Chapter 199, Section 12, as amended) is amended to read:

23 "7-1-6.42. DISTRIBUTION--STATE BUILDING BONDING
24 FUND--GROSS RECEIPTS TAX.--A distribution pursuant to
25 Section 7-1-6.1 NMSA 1978 shall be made to the state building

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1 bonding fund in the amount of [~~five hundred thirty thousand~~
2 ~~dollars (\$530,000)~~] six hundred eighty thousand dollars
3 (\$680,000) from the net receipts attributable to the gross
4 receipts tax imposed by the Gross Receipts and Compensating Tax
5 Act. The distribution shall be made:

6 A. after the required distribution pursuant to
7 Section 7-1-6.4 NMSA 1978;

8 B. contemporaneously with other distributions of
9 net receipts attributable to the gross receipts tax for payment
10 of debt service on outstanding bonds or to a fund dedicated for
11 that purpose; and

12 C. prior to any other distribution of net receipts
13 attributable to the gross receipts tax."

14 Section 3. Laws 2001, Chapter 166, Section 2, as amended
15 by Laws 2004, Chapter 123, Section 7, Laws 2005, Chapter 320,
16 Section 4 and by Laws 2007, Chapter 64, Section 4, is amended
17 to read:

18 "Section 2. STATE OFFICE BUILDING TAX REVENUE BONDS--
19 AUTHORIZATION--CONTINGENCY.--

20 A. The New Mexico finance authority may issue and
21 sell state office building tax revenue bonds in compliance with
22 the State Building Bonding Act when the director of the
23 property control division of the general services department
24 certifies to the authority that the proceeds from the state
25 office building tax revenue bonds are needed for one or more of

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1 the purposes specified in Laws 2001, Chapter 166, Section 1, as
2 amended by Laws 2007, Chapter 64, Section 3 [~~of this 2007 act;~~
3 ~~provided that the total amount of state office building tax~~
4 ~~revenue bonds outstanding at any one time shall not exceed one~~
5 ~~hundred million dollars (\$100,000,000)]]. The authority shall
6 schedule the issuance and sale of the bonds in the most
7 expeditious and economical manner possible. Except as provided
8 in Subsections B and C of this section, net proceeds from the
9 sale of the bonds are appropriated to the property control
10 division of the general services department for expenditure in
11 fiscal year 2001 and subsequent fiscal years for the purposes
12 specified in Laws 2001, Chapter 166, Section 1, as amended by
13 Laws 2007, Chapter 64, Section 3 [~~of this 2007 act~~].~~

14 B. Two hundred fifty thousand dollars (\$250,000) of
15 the proceeds from the bonds issued pursuant to Subsection A of
16 this section are appropriated to the legislative council
17 service for expenditure in fiscal years 2004 through 2008 for
18 the purpose of providing funding for the capitol buildings
19 planning commission, master planning process for state
20 facilities and for annual updates to master plans, but
21 excluding any payments for salaries, benefits and costs of
22 state employees. Any unexpended or unencumbered balance
23 remaining at the end of fiscal year 2008 shall revert to the
24 state building bonding fund.

25 C. Three hundred fifty thousand dollars (\$350,000)

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1 of the proceeds from the bonds issued pursuant to Subsection A
2 of this section are appropriated to the legislative council
3 service for expenditure in fiscal years 2007 through ~~[2009]~~
4 2012 for the purpose of providing funding for the capitol
5 buildings planning commission, master planning process for
6 state facilities and annual updates to master plans, but
7 excluding any payments for salaries, benefits and costs of
8 state employees. Any unexpended or unencumbered balance
9 remaining at the end of fiscal year ~~[2009]~~ 2012 shall revert to
10 the state building bonding fund."

11 Section 4. STATE OFFICE BUILDING TAX REVENUE BONDS--
12 AUTHORIZATION FOR EXECUTIVE OFFICE BUILDING.--

13 A. The New Mexico finance authority may issue and
14 sell state office building tax revenue bonds in compliance with
15 the State Building Bonding Act in an amount not exceeding
16 twenty-six million dollars (\$26,000,000) when the director of
17 the property control division of the general services
18 department certifies to the authority that the proceeds from
19 the state office building tax revenue bonds are needed for the
20 purpose specified in Subsection B of this section. The
21 authority shall schedule the issuance and sale of the bonds in
22 the most expeditious and economical manner possible. Net
23 proceeds from the sale of the bonds are appropriated to the
24 property control division of the general services department
25 for expenditure in fiscal year 2010 and subsequent fiscal years

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1 for the purpose specified in Subsection B of this section.

2 B. After review by the capitol buildings planning
3 commission and pursuant to the capitol buildings master plan
4 developed by the capitol buildings planning commission, the
5 property control division of the general services department
6 may plan, design, construct, equip and furnish a new executive
7 office building in the main capitol campus in Santa Fe.

8 Section 5. Laws 2007, Chapter 64, Section 6 is amended to
9 read:

10 "Section 6. APPROPRIATIONS.--

11 A. The following amounts from the following sources
12 are appropriated to the property control division of the
13 general services department for expenditure in fiscal years
14 2007 through [~~2009~~] 2011 for the acquisition of the property
15 within the west capitol complex owned by the United States
16 general services administration and the United States forest
17 service. Any unexpended or unencumbered balance remaining at
18 the end of fiscal year [~~2009~~] 2011 shall revert proportionately
19 to the originating fund:

20 (1) one million five hundred thousand dollars
21 (\$1,500,000) from the property control reserve fund; and

22 (2) three million five hundred thousand
23 dollars (\$3,500,000) from the public buildings repair fund.

24 B. One million dollars (\$1,000,000) is appropriated
25 from the general fund to the property control division of the

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1 general services department for expenditure in fiscal years
2 2007 through 2009 for the planning and designing of a New
3 Mexico state police crime laboratory to be located adjacent to
4 or within close proximity to the state laboratory facility in
5 Bernalillo county. Except as provided in Subsection C of this
6 section, any unexpended or unencumbered balance remaining at
7 the end of fiscal year 2009 shall revert to the general fund.

8 C. Of the unexpended or unencumbered balance
9 remaining on the effective date of this 2009 act of the
10 appropriation made in Subsection B of this section, five
11 hundred thousand dollars (\$500,000) shall not be expended for
12 its original purpose and shall not revert at the end of fiscal
13 year 2009 but is further appropriated to the legislative
14 council service for expenditure in fiscal years 2009 through
15 2012 for the purpose of providing funding for the capitol
16 buildings planning commission master planning process for
17 statewide state facilities, including feasibility studies and
18 annual updates to master plans, but excluding any payments for
19 salaries, benefits and costs of state employees. Any
20 unexpended or unencumbered balance of this appropriation
21 remaining at the end of fiscal year 2012 shall revert to the
22 general fund."

23 Section 6. EFFECTIVE DATE.--The effective date of the
24 provisions of Section 2 of this act is the later of:

25 A. July 1, 2011; or

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